Village Council Tuesday, January 20, 2009 7:00 PM

Minutes

<u>Call to Order:</u> Mr. Deeds called the meeting to order at 6:30pm

<u>Pledge of Allegiance:</u> Dr. Bender led the Pledge of Allegiance.

Roll Call:

John Bender Rick Deeds Bruce Jarvis Bobbie Mershon

Victor Paini Marilyn Rush-Ekelberry Leah Turner

Approval of Minutes:

Mr. Paini moved to approve the minutes of the January 5th, 2009 meeting. Mrs. Mershon seconded the motion.

VOTE: AYES Dr. Bender, Mrs. Mershon, Mr. Paini, Mrs. Turner

Ms. Rush-Ekelberry, Mr. Deeds, Mr. Jarvis

NAYS

Motion carried.

Communications & Petitions:

A notice was received of the Public Workshop for Safe Routes to School Program – Wednesday, January 21, 2009 at 6:00 PM at the Frances Steube Community Center.

A letter was received from Columbia Gas of Ohio detailing an additional charge per month for residential customers of \$.86 beginning May 2009.

A notice was received from Ohio Division of Liquor Control of request for D3 Permit by Kim Stedman dba Village Wines 600 W Waterloo St & Patio. D3 permit is a permit for Spirituous Liquor for on premises consumption only. Request for hearing must be filed by February 17, 2009.

An update was given by Rhonda Redelman of FMS Architects on the Facilities Assessment. Ms. Redelman passed out a final draft. They took pictures and sq. footage measurements of all the facilities. Their recommendations are included in the packet. Discussion of the results ensued.

Village Residents Comments:

Five-minute limit per person

ORDINANCES:

FIRST Reading

Sponsor: Mrs. Rush-Ekelberry

O-01-09C AN ORDINANCE TO AUTHORIZE THE MAYOR TO ENTER INTO A CONTRACT

FOR INDIGENT DEFENSE REPRESENTATION IN THE FRANKLIN COUNTY MUNICIPAL COURT AND THE CANAL WINCHESTER MAYORS COURT FOR THE CALENDAR YEAR 2009 WITH THE FRANKLIN COUNTY PUBLIC DEFENDER.

Mrs. Rush-Ekelberry read the ordinance. First reading only.

Sponsor: Dr. Bender

O-01-09D AN ORDINANCE TO AUTHORIZE THE MAYOR TO ENTER INTO A CONTRACT

WITH QUALITY CONTROL INSPECTION, INC. FOR CONSULTING SERVICES RELATING TO CONSTRUCTION INSPECTION FOR THE PERIOD FROM

FEBRUARY 1, 2009 THROUGH FEBRUARY 1, 2011.

Dr. Bender read the ordinance. First reading only.

Sponsor: Mr. Paini

O-01-09E AN ORDINANCE TO REJECT ANY AND ALL BIDS SUBMITTED FOR THE CANAL

WINCHESTER ELEVATED WATER STORAGE TANK MAINTENANCE PROGRAM

AND DECLARING AN EMERGENCY.

Mr. Peoples stated that the one and only bid came in at more than 10% over the engineer's estimate. They are looking at ways to redirect the bidding and put it back out there. Mrs. Mershon asked if the water towers were in dire need of maintenance in the mean time. Mr. Peoples stated they are not. They will need a wash down inspection in 2009 and South Gender Tower needs painted, but nothing immediate.

Mr. Paini read the ordinance and moved to waive the 2nd and 3rd readings; seconded by Dr. Bender.

VOTE: AYES Dr. Bender, Mrs. Mershon, Mr. Paini, Mrs. Turner

Ms. Rush-Ekelberry, Mr. Deeds, Mr. Jarvis

NAYS

Motion carried.

Mr. Paini moved to adopt Ordinance 07-09; Mr. Jarvis seconded the motion.

VOTE: AYES Dr. Bender, Mrs. Mershon, Mr. Paini, Mrs. Turner

Ms. Rush-Ekelberry, Mr. Deeds, Mr. Jarvis

NAYS

Motion carried.

Sponsor: Mrs. Turner

O-01-09F AN ORDINANCE TO AUTHORIZE THE MAYOR TO ENTER INTO A CONTRACT

WITH RESOURCE INTERNATIONAL, INC. FOR CONSULTING SERVICES

RELATING TO CONSTRUCTION MATERIALS TESTING FOR THE PERIOD FROM

JANUARY 1, 2009 THROUGH DECEMBER 31, 2010.

Mrs. Turner read the ordinance. First reading only.

Sponsor: Dr. Bender

O-01-09G AN ORDINANCE TO AUTHORIZE THE MAYOR TO ENTER INTO AN AGENCY

FUND AGREEMENT WITH MEIJER STORES LIMITED PARTNERSHIP FOR IMPROVEMENTS TO THE EXISTING INTERSECTION OF HILL ROAD AND KINGS

CROSSING

Mr. Peoples stated that Meijer had to devise a concept plan according to our recommendations for the relocation of Hill Road. It would directly connect to Kings Crossing with no intersection. Basil Western would then come to a four –way signaled intersection. When the plans went to the Fairfield County Engineers, they did not like the alignment and believed that the traffic flow was predominately from Basil-Western. Instead of holding up the Meijer, we would enter into an escrow agreement stating that they would redesign the alignment and take away the amount they were going to pay from the amount to be paid for the temporary measures. That leaves \$132,000 under our control to be used for the future relocation of the intersection of Hill Rd / Basil Western.

Dr. Bender read the ordinance. First reading only.

SECOND Reading

Sponsor: Mr. Jarvis

O-01-09A AN ORDINANCE TO AUTHORIZE THE MAYOR TO ENTER INTO A CONTRACT

FOR PROSECUTION OF CRIMINAL CASES IN THE FRANKLIN COUNTY

MUNICIPAL COURT AND CERTAIN CIVIL DIVISION CASES FOR THE CALENDAR

YEAR 2009 WITH THE CITY OF COLUMBUS ATTORNEYS OFFICE.

Mr. Jarvis read the ordinance. Second reading only.

Sponsor: Mr. Paini

O-01-09B AN ORDINANCE TO AUTHORIZE THE MAYOR TO ENTER INTO THE

NORTHWEST FAIRFIELD 33 CORRIDOR JOINT ECONOMIC DEVELOPMENT DISTRICT CONTRACT BY AND BETWEEN VIOLET TOWNSHIP, THE CITY OF LANCASTER, THE CITY OF PICKERINGTON AND THE VILLAGE OF CANAL

WINCHESTER

Mr. Paini read the ordinance. Second reading only.

THIRD Reading

** MOTION MUST BE MADE TO TAKE THE FOLLOWING ORDINANCE FROM THE TABLE FOR ACTION***

Mr. Jarvis moved to un-table the ordinance O-12-08H. Dr. Bender seconded the motion.

VOTE: AYES Dr. Bender, Mrs. Mershon, Mr. Paini, Mrs. Turner

Ms. Rush-Ekelberry, Mr. Deeds, Mr. Jarvis

NAYS

Motion carried.

Sponsor: Mr. Jarvis

O-12-08H AMENDING ORDINANCE NO. 52-01 TO ADOPT THE REVISED PRELIMINARY

DEVELOPMENT PLAN FOR THE WINCHESTER CIRCLE DEVELOPMENT, A PART

OF THE ORIGINAL PIFER PROPERTY, ZONED PCD.

Mr. Jarvis read the ordinance and moved to adopt 08-09. Dr. Bender seconded the motion.

Mr. Jarvis asked if signage was part of the plan. Mr. Strayer stated that signage would have to come back and get their signage package approved. It is in the plan, but is not finalized. Mr. Strayer noted that this is just dealing with the site plan, building locations, etc. Anything having to do with designs of buildings would still have to come through Planning Commission for approval.

Mr. Jarvis asked if it was possible to reduce the number of parking spaces included in the plan. It looks to be overkill. Mr. Strayer stated that it isn't out of the question. When they come back to the Planning Commission for approval, depending on the tenants and their needs, parking spaces could be modified at that time. Further discussion ensued between Council, Mr. Strayer and representatives from KCDG.

It was decided that for this project Mr. Strayer would come up with a provision that would state that if the tenants do not require the amount of parking spaces currently allotted, that space would be allocated to green space. Mr. Jarvis added that the code needs to be looked at and possibly revised as to the number of parking spaces allotted. Mr. Strayer will report back to Council with parking space analysis so it can be addressed in the future. Mr. Strayer stated he will do a study of surrounding communities and their requirements. Mr. Deeds added, as guidance to Planning and Zoning, he hopes there will not be signs that are 40 feet tall. Please finish road stubs either to the property line or to a point where the next tenant can easily attach it to another road.

VOTE: AYES Dr. Bender, Mrs. Mershon, Mr. Paini, Mrs. Turner

Ms. Rush-Ekelberry, Mr. Deeds, Mr. Jarvis

NAYS

Motion carried.

Mayor's Report:

Mrs. Mershon made a motion to accept the Clerk of the Mayor's Court Report for December 2008. Dr. Bender seconded the motion.

VOTE: AYES Dr. Bender, Mrs. Mershon, Mr. Paini, Mrs. Turner

Ms. Rush-Ekelberry, Mr. Deeds, Mr. Jarvis

NAYS

Motion carried.

Mayor Ebert requested that Beth Deeds and Joe Messerly be appointed to the Landmarks Commission and that Jim Wynkoop be appointed to Planning & Zoning Commission.

Dr. Bender made a motion to accept the Mayoral appointments to the Landmarks Commission and the Planning & Zoning Commission. Mrs. Rush-Ekelberry seconded the motion.

VOTE: AYES Dr. Bender, Mrs. Mershon, Mr. Paini, Mrs. Turner

Ms. Rush-Ekelberry, Mr. Deeds, Mr. Jarvis

NAYS

Motion carried.

Mayor Ebert stated that he attended the Canal Winchester Chamber meeting on January 19th with Nanisa Osborn and Chris Strayer to discuss their perspective on the JEDD. They had some questions regarding the "Opt Out" option. Mayor Ebert corrected the confusion and stated that no one is in the JEDD unless they "opt in". Mr. Strayer added that in the Ohio Revised Code it specifically states that you have to petition the JEDD board to be allowed in the JEDD.

Mayor Ebert added that he attended the Ohio Parks and Recreation Trade show with Mr. Peoples last week and got many good ideas.

The Downtown Business Property Owners grant is about to be introduced. Letters will go out later this week. The grant program is funded by Main Street Program and the Village of Canal Winchester. It is a 2-1 match for a total of \$2000 in grant money to their \$1000.

A draft agreement was received from EMH&T regarding their contract for 2009 - 2012. Mrs. Mershon stated that she would like to see it go out to open bid to see what other companies are out there. Mr. Jarvis asked if there was a possibility of a month-to-month contract. Mr. Peoples stated that they are very happy with the services that EMH&T have provided. Mrs. Mershon suggested putting out an RFP to see what other companies have to offer. Mrs. Turner asked why we would want to entertain other companies if we are happy with EMH&T. Mr. Jarvis asked if there is a cost difference between the last contract and this proposed contract. Ms. Osborn stated that the hourly rate went up 5%, but they were not raised at all in 2008. So that is a 5% raise over two years. Further discussion ensued.

It was decided that the Village would stay with EMH&T and that Steve Farst would continue to be the main contact.

Public Works Director:

Mr. Peoples stated that the Thrush Dr project bid opening will be Friday at noon.

300 tons of salt have been ordered.

Spring Tree planting proposal is out for bids including 138 species of trees.

Three water mains have broken over this winter, none of which occurred during this last week's record cold temperature of -14.9 degrees.

The sludge press has been delivered and is in its new building.

There has been no damage from water in basements in 2007 and 2008.

Mr. Jarvis noted that the street guys are working very hard and have been doing a great job.

Development Director:

Mr. Strayer stated that CWICC is meeting tomorrow at 5:30pm.

AK Athletic was approved.

Changes to the RV parking was introduced and there will be a Public Hearing on that, as well as a Public Hearing for the changes to the AR-1 / Multi-family housing coming up in front of Planning Commission

Community Affairs Director: Not in attendance.

<u>Village Solicitor</u>: Mr. Zetts was in attendance in Mr. Hollins place. He requested an Executive Session to discuss threats of litigation.

Fairfield County Sheriff: Deputy Dixon stated that the report will be available for the next meeting.

Finance Director: See written report.

Council Reports:

Old Town Committee Monday, February 9, 2009 at 5:45 PM Finance Committee Monday, February 2, 2009 at 5:45 PM Service Committee Monday, February 16, 2009 at 5:45 PM Safety Committee Monday, February 9, 2009 at 5:00 PM

New Business: None at this time.

<u>Old Business:</u> Parks and Recreation committee is being slated to begin on the 4th Wednesday in February.

Adjourn to Executive Session:

Mr. Deeds moved to adjourn to Executive Session for threat of future litigation. Mrs. Turner seconded the motion.

VOTE: AYES Dr. Bender, Mrs. Mershon, Mr. Paini, Mrs. Turner

Ms. Rush-Ekelberry, Mr. Deeds, Mr. Jarvis

NAYS

Motion carried at 8:48pm.

Return from Executive Session at 9:15pm

Adjournment: Mr. Jarvis moved to adjourn. Mr. Paini seconded the motion.

VOTE: AYES Dr. Bender, Mrs. Mershon, Mr. Paini, Mrs. Turner

Ms. Rush-Ekelberry, Mr. Deeds, Mr. Jarvis

NAYS

Motion carried. Time out 9:15pm

Clerk of Council	President of Council
Date	Mayor

NOTE: The minutes set forth herein are an extract of the Council meetings. Anyone desiring a transcript of the complete minutes of the Council meeting may obtain the same at a cost of \$10.00 per page.